

SENATE BILL NO. 92—SENATORS LEE, HARDY, HECK, BEERS,
CEGAVSKE, CARE, COFFIN, MCGINNESS AND WOODHOUSE

FEBRUARY 15, 2007

JOINT SPONSORS: ASSEMBLYMEN ANDERSON, PARKS, GANSERT,
ALLEN, MORTENSON, BEERS, BOBZIEN, CHRISTENSEN,
CLABORN, DENIS, GOICOECHEA, GRADY, HARDY,
KOIVISTO, MANENDO, MARVEL, OHRENSCHALL,
SETTELMAYER AND STEWART

Referred to Committee on Government Affairs

SUMMARY—Revises certain provisions pertaining to the
regulation of firearms by local governments.
(BDR 20-45)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to firearms; revising certain provisions pertaining
to the regulation of firearms by local governments; and
providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Assembly Bill No. 147 of the 1989 Legislative Session (Chapter 308, Statutes
2 of Nevada 1989, p. 653) reserved for the Legislature the rights and powers
3 necessary to regulate the transfer, sale, purchase, possession, ownership,
4 transportation, registration and licensing of firearms and ammunition in this State.
5 However, **section 5** of Assembly Bill No. 147 provided that the preemptive effect
6 of the bill applied only to ordinances or regulations adopted by local governments
7 on or after June 13, 1989. This bill requires the amendment of ordinances or
8 regulations adopted by local governments before June 13, 1989, that require
9 registration of a firearm capable of being concealed to impose: (1) a period of at
10 least 60 days of residency in the jurisdiction before registration of such a firearm is
11 required; and (2) a period of at least 72 hours for the registration of a pistol by a
12 resident of the jurisdiction upon transfer of title to the pistol to the resident by
13 purchase, gift or any other transfer.

14 For the purposes of the amendatory provisions of this bill relating to the
15 registration of firearms, and for the purposes of the authority of local governments
16 to proscribe the unsafe discharge of firearms, this bill revises the definition of



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17 “firearm” to use the more narrow definition set forth in NRS 202.253, pursuant to
18 which a firearm is a device designed to be used as a weapon from which a
19 projectile may be expelled through the barrel by the force of any explosion or other
20 form of combustion. For the purposes of state preemption of the local regulation of
21 firearms, this bill retains the broader definition of “firearm” already used in NRS
22 244.364, 268.418 and 269.222, pursuant to which a firearm is any weapon from
23 which a projectile is discharged by means of an explosive, spring, gas, air or other
24 force.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** NRS 244.364 is hereby amended to read as follows:
2 244.364 1. Except as otherwise provided by specific statute,
3 the Legislature reserves for itself such rights and powers as are
4 necessary to regulate the transfer, sale, purchase, possession,
5 ownership, transportation, registration and licensing of firearms and
6 ammunition in Nevada, and no county may infringe upon those
7 rights and powers. *As used in this subsection, “firearm” means any*
8 *weapon from which a projectile is discharged by means of an*
9 *explosive, spring, gas, air or other force.*
10 2. A board of county commissioners may proscribe by
11 ordinance or regulation the unsafe discharge of firearms.
12 3. *If a board of county commissioners in a county whose*
13 *population is 400,000 or more has required by ordinance or*
14 *regulation adopted before June 13, 1989, the registration of a*
15 *firearm capable of being concealed, the board of county*
16 *commissioners shall amend such an ordinance or regulation to*
17 *require:*
18 (a) *A period of at least 60 days of residency in the county*
19 *before registration of such a firearm is required.*
20 (b) *A period of at least 72 hours for the registration of a pistol*
21 *by a resident of the county upon transfer of title to the pistol to the*
22 *resident by purchase, gift or any other transfer.*
23 4. ~~[As]~~ *Except as otherwise provided in subsection 1, as used*
24 *in this section [“firearm”]:*
25 (a) *“Firearm” means any device designed to be used as a*
26 *weapon from which a projectile ~~is discharged by means of an~~*
27 *~~explosive, spring, gas, air or other force.~~ may be expelled through*
28 *the barrel by the force of any explosion or other form of*
29 *combustion.*
30 (b) *“Firearm capable of being concealed” includes all*
31 *firearms having a barrel less than 12 inches in length.*
32 (c) *“Pistol” means a firearm capable of being concealed that is*
33 *intended to be aimed and fired with one hand.*



1 **Sec. 2.** NRS 268.418 is hereby amended to read as follows:

2 268.418 1. Except as otherwise provided by specific statute,
3 the Legislature reserves for itself such rights and powers as are
4 necessary to regulate the transfer, sale, purchase, possession,
5 ownership, transportation, registration and licensing of firearms and
6 ammunition in Nevada, and no city may infringe upon those rights
7 and powers. *As used in this subsection, "firearm" means any*
8 *weapon from which a projectile is discharged by means of an*
9 *explosive, spring, gas, air or other force.*

10 2. The governing body of a city may proscribe by ordinance or
11 regulation the unsafe discharge of firearms.

12 3. *If the governing body of a city in a county whose*
13 *population is 400,000 or more has required by ordinance or*
14 *regulation adopted before June 13, 1989, the registration of a*
15 *firearm capable of being concealed, the governing body shall*
16 *amend such an ordinance or regulation to require:*

17 (a) *A period of at least 60 days of residency in the city before*
18 *registration of such a firearm is required.*

19 (b) *A period of at least 72 hours for the registration of a pistol*
20 *by a resident of the city upon transfer of title to the pistol to the*
21 *resident by purchase, gift or any other transfer.*

22 4. ~~[As]~~ *Except as otherwise provided in subsection 1, as used*
23 *in this section [,"firearm"]:*

24 (a) *"Firearm" means any device designed to be used as a*
25 *weapon from which a projectile ~~is discharged by means of an~~*
26 *explosive, spring, gas, air or other force.] may be expelled through*
27 *the barrel by the force of any explosion or other form of*
28 *combustion.*

29 (b) *"Firearm capable of being concealed" includes all*
30 *firearms having a barrel less than 12 inches in length.*

31 (c) *"Pistol" means a firearm capable of being concealed that is*
32 *intended to be aimed and fired with one hand.*

33 **Sec. 3.** NRS 269.222 is hereby amended to read as follows:

34 269.222 1. Except as otherwise provided by specific statute,
35 the Legislature reserves for itself such rights and powers as are
36 necessary to regulate the transfer, sale, purchase, possession,
37 ownership, transportation, registration and licensing of firearms and
38 ammunition in Nevada, and no town may infringe upon those rights
39 and powers. *As used in this subsection, "firearm" means any*
40 *weapon from which a projectile is discharged by means of an*
41 *explosive, spring, gas, air or other force.*

42 2. A town board may proscribe by ordinance or regulation the
43 unsafe discharge of firearms.

44 3. *If a town board in a county whose population is 400,000*
45 *or more has required by ordinance or regulation adopted before*



1 *June 13, 1989, the registration of a firearm capable of being*
2 *concealed, the town board shall amend such an ordinance or*
3 *regulation to require:*

4 (a) *A period of at least 60 days of residency in the town before*
5 *registration of such a firearm is required.*

6 (b) *A period of at least 72 hours for the registration of a pistol*
7 *by a resident of the town upon transfer of title to the pistol to the*
8 *resident by purchase, gift or any other transfer.*

9 4. ~~[As]~~ *Except as otherwise provided in subsection 1, as used*
10 *in this section ~~[, "firearm"]~~:*

11 (a) *"Firearm" means any device designed to be used as a*
12 *weapon from which a projectile ~~[is discharged by means of an~~*
13 *~~explosive, spring, gas, air or other force.] may be expelled through~~*
14 *the barrel by the force of any explosion or other form of*
15 *combustion.*

16 (b) *"Firearm capable of being concealed" includes all*
17 *firearms having a barrel less than 12 inches in length.*

18 (c) *"Pistol" means a firearm capable of being concealed that is*
19 *intended to be aimed and fired with one hand.*

20 **Sec. 4.** Section 5 of chapter 308, Statutes of Nevada 1989, at
21 page 653, is hereby amended to read as follows:

22 Sec. 5. ~~[The]~~

23 1. *Except as otherwise provided in subsection 2, the*
24 *provisions of this act apply ~~[only]~~ to ordinances or*
25 *regulations adopted on or after ~~[the effective date of this act.]~~*
26 *June 13, 1989.*

27 2. *The provisions of this act, as amended on October 1,*
28 *2007, apply to ordinances or regulations adopted before, on*
29 *or after June 13, 1989.*

30 **Sec. 5.** A board of county commissioners, governing body of a
31 city and town board in a county whose population is 400,000 or
32 more shall amend any ordinance or regulation adopted by that body
33 before June 13, 1989, that does not conform with the provisions of
34 NRS 244.364, as amended by section 1 of this act, NRS 268.418, as
35 amended by section 2 of this act or NRS 269.222, as amended by
36 section 3 of this act, as applicable, by January 1, 2008. Any
37 ordinance or regulation that does not comply with the applicable
38 provision by January 1, 2008, shall be deemed to conform with that
39 provision by operation of law.

